

**MCDOWELL SONORAN PRESERVE COMMISSION
COMMUNITY DESIGN STUDIO - NAVE
7506 E. INDIAN SCHOOL ROAD
SCOTTSDALE, AZ
MAY 12, 2005**

APPROVED MINUTES

PRESENT: Art Decabooter, Chairman
Christine Kovach, Vice-Chairman
Carla
Eric Filsinger
Howard Myers
Arnold Roy
Donald Ruff
Solange Whitehead

ABSENT: Dennis Carr
Laura Fisher
Virginia Korte

STAFF: Claire Miller
Bob Cafarella

VISITORS: Dan Gruber
Jerry Miller

CALL TO ORDER

Chairman Decabooter called the regular meeting of the Scottsdale McDowell Sonoran Preserve Commission to order at 5:07 p.m.

APPROVAL OF MINUTES

Commissioner Carla noted the following proposed changes to the April 14, 2005 minutes:

In the first paragraph, fourth sentence, under Proposed APS Service Facilities in northeast Valley: 95% of the comments received were to build an existing right-of-way.

Mr. Goodman's comments regarding option 2 should state: which would go along Dynamite through Troon, would be very difficult.

The last sentence should state: option 1 and 3 would require less money for under grounding for lines outside of the Preserve.

The fourth paragraph, first line, should state: Option 3 would require APS to be granted a new right-of-way.

Regarding the 11th line: Rio Verde might still protest the proposal if it involved going along 136th Street.

Regarding the 16th line: Commissioner Kovach asked if they had the easement for the proposed undergrounding. Mr. Goodman stated they did not in relation to 136th Street.

Under Commission and Public Comments agenda items, Chairman Decabooter's statement should be corrected: change State Land Department's to Arizona Parks and Recreation Associations.

COMMISSIONER RUFF MADE A MOTION TO APPROVE THE APRIL 14, 2005 MINUTES AS AMENDED. COMMISSIONER KOVACH SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY BY A VOTE OF EIGHT (8) TO ZERO (0).

STATE LAND REFORM

Commissioner Carla reported that attorneys for the Nature Conservancy and the Sonoran Institute, together with attorneys from the Arizona Education Association, are working on the proposed private citizens initiative. A final draft is expected within the month.

The initiative will include many of the things that were in the package proposed before the legislature last year, only it will be less. Rural grazing and land exchanges have been removed. There will be some basic tenets, one of which is the creation of a new Board of Trustees to help the State Land Commissioner make decisions.

In regards to conservation lands, there will be a map accompanying the initiative that will deal with some lands that are currently protected, as well as some lands that are provisionally protected, provided a community can raise the funds and come to an agreement with the State Land Department and the Board of Trustees.

There will also be a set of planning tools for communities who do not have funds or would like to add more land to their open space program.

This will be a constitutional amendment which will then go for a Federal Enabling Act change. There may be more details later which will have to be done through statute and the legislature, but the over arching parts of it will be in the Constitution.

The Sonoran Institute devised a very brief sheet outlining the basic three tenets of what the reform should cover: improve development patterns, conserve natural areas of wildlife, increase revenue to public schools and institutions.

In response to question regarding timing, Commissioner Carla indicated it would depend on the vetting of the language and collection of signatures.

PRESERVE FIRE PREVENTION/PROTECTION

Mr. Cafarella reported that he and Claire have been working with Jim Cord and reminded the Board of meeting the new fire chief, Willy McDonald, at a previous

meeting. Mr. McDonald is very concerned about this fire season. Claire has been in contact with the State Land Department and has received information from both Phoenix and the Tonto National Forrest.

Mr. Cord, current Assistant Chief and Fire Marshall for Rural Metro Fire Department, addressed the Board. Mr. Cord will assume the positions of Deputy Chief in charge of fire life safety and Fire Marshal for the City of Scottsdale by the end of the May.

Mr. Cord stated that Chief McDonald is new to the community and one of his concerns is the wildland and the wildland urban interface areas that are in the north part of the City. They are working very aggressively to update plans and methods that can be used to fight fires.

Mr. Cord recalled the Rio Fire that occurred in 1995 and noted that a significantly larger number of homes would be threatened by a fire of that magnitude in that area today. As a result of the growing potential, a more aggressive approach is needed to address fires and reduce the impact of a fire, should one occur.

Most significant in this approach (scheduled on next Tuesday's Council agenda) is an intergovernmental agreement with Scottsdale and the State Land Department to put a small aircraft seat at Scottsdale Airport. The City of Scottsdale agreed to front the money and other area communities were asked to partner in the venture. The cities of Cave Creek, Carefree, Fountain Hills and Rio Verde have assisted with financial contributions. Services will be provided to the entire region. The plane, pilot, refueling tank and air support manager will be housed at a temporary facility at the Scottsdale Airport. It is hoped that this will be a reoccurring event every year.

Additional considerations for development of aggressive approaches include high risk areas and interface areas (an area where a home backs up against open areas). Mr. Cord stated that they are looking for some defensible spaces in interface areas. He also specifically noted that the plan involves getting much more aggressive with building and fire department inspectors working in high risk and interface areas, noting a fire that occurred last week as a result of a construction crew working in an interface area.

Additionally, new handouts are being developed, including one that addresses the initial basics for wild land fire protection; outlining what people can and cannot do.

The training of the stewards has been completed by Dave Buntz and Dan Buntz.

Signage identifying fire risks was discussed. Mr. Cord informed the Board that the wild land crews are in place. A 40-person fire support team consisting of city workers trained to help with wildland fires is ready to go.

Concerns were expressed regarding the potential fire season this year. Lightly was identified as the most likely cause.

Chairman Decabooter asked Mr. Cord to explain what would occur in the event of a major fire in the Preserve. Mr. Cord explained that there are four brush trucks that will be manned with crews full-time. Initially three or four engine companies with brush

trucks would be sent in to the north area. The aircraft would be called for immediately. The trucks won't do as much good as the hand crew and the air support in the McDowell's so there is the ability to call for additional helicopter escort from DPS; Phoenix might be available to do that. The fire would be pretty much put out with air and hand crews.

Discussion ensued regarding the role of the stewards. The stewards will not fight fires but they help with access and trails. The stewards help with the "no smoking" issue and inform people about the danger and the risk, trying to reduce the impact.

Commissioner Whitehead inquired as to the smoking policies in both the Preserve and State Trust land. Mr. Cafarella responded that smoking is permitted; however, there are restrictions. Claire stated that there is a new restriction in effect: April 28th through July 31st or until further notice, which states no smoking except within a closed vehicle, building, developed campground or while stopped in an area at least three feet in diameter that is clear of all flammable materials. There are generally no restrictions throughout the rest of the year.

The Board discussed with Mr. Cord the issue of closing the Preserve in the event of extreme fire danger. Mr. Cord reported that he can make a recommendation and talk with the State about when to close those areas. The mayor has the authority to close the Preserve. He also noted the existence of the IGA with the State and the Tonto Forrest and stated that they have frequent contact regarding those types of agreements.

Upon inquiries by Commissioner Kovach, Mr. Cord explained that the product dropped out of the airplanes is a kind of slurry; mostly a water base with some things in it that make it stick to the bushes. The big slurry bombers contain a mixture of seeds and fertilizer. He elaborated that the slurry is red and provides hand crews anchor points for defensible spaces and lines. He explained that it is a fertilizer, is not harmful to animals or plants, and in many cases it is seeded. Mr. Cafarella commented on ensuring that the seed is an appropriate mix for the site. Mr. Cord will follow-up on that issue.

Discussion ensued regarding the preference and issues relating to not cutting firebreaks in the Preserve. Mr. Cafarella stated that firefighters do what's necessary to fight the fire with as much environmental sensitivity as possible, but putting the fire out is job number one.

Commissioner Kovach inquired as to the use of quads or vehicles that would fit on a trail as a means of getting manpower into the Preserve. Mr. Cafarella indicated that that option has not been discussed.

Mr. Cafarella informed the Board that the original document, devised in 1999, is still the active document and modifications would likely occur. Mr. Ford stated that once they get through the transition period they will revisit and update all of the plans that have been done over the years to ensure that they are relevant to current affairs. He noted continuation of the plan to use the trail system as primary breaks in the Preserve and the need to identify which trails can be accessed and which ones are going to be more difficult. There are three stations that surround the Preserve.

Commissioner Filsinger stated he supports all of the Chief's efforts. He's not familiar with the document, but if there is a short list of items that can be done in terms of prevention, the thing to do is work on the things you can control. He further stated he thinks there are probably resources to get that information out in terms of preventive steps and personally felt he could get it out to 500 people who would probably be in the Preserve.

Mr. Ford indicated that a wild land brochure has been developed and the next step is to work with the Planning and Development Department to develop actual bullet points for specific applications pertaining to identification of defensible spaces. Plans are also being devised to place wild land fire information on the City of Scottsdale website.

Claire added to Commissioner Kovach's comment that there are provisions for emergency access of vehicles within Chapter 21.

The Commission thanked Mr. Ford for attending the meeting and wished him good luck as the transition progresses.

BIRTHDAY AND FAREWELL TO TWO MEMBERS

Commissioner Carla addressed Chair Decabooter's birthday and also Commissioners Ruff and Myers last meeting.

PLANNING COMMITTEE REPORT ON RESERVE ENFORCEMENT.

Commissioner Carla gave an update, recalling that previous Planning Committee discussions focused on increasing enforcement in the Preserve. The Committee's preference was to institute a type of ranger program. Commissioner Carla presented the Board with a handout summarizing the ranger position along with a summary of discussions with the police department and preservation staff.

She reported that a recent voter approved tax in May increased funds for increased police presence. Increased patrols and enforcement capabilities for the Preserve are to be included in the funding. The funds from that tax related to public safety will go to the Police Department budget; not the preservation unit budget. The Police Department is planning and is in the process of hiring a new six-member unit, with a sergeant for that unit, and this unit will cover both the Preserve and existing parks. These six people are going to be stretched pretty thin, covering 47 parks, four pools, and 16 community centers. The actual startup date for this unit will occur in 2006.

The Police Department believes the proposed ranger position has merit. However, they believe the police unit should be established first, stating that police officers could also handle a crisis in the City whereas a ranger could not.

In all likelihood, a ranger position would have to be funded through the preservation unit, not the Police Department. Due to the budget cycles, this wouldn't happen until possibly 2007. In the interim, the preservation unit will be asking the City for another preserve manager and will work to increase partnership with the stewards.

The land trust, in cooperation with the preservation unit, is creating a new position called pathfinder. The pathfinders will work strictly at access areas and they will be there to answer questions. They will also be there to be the eyes and ears. The police felt that with the exception of the off road abuse and accidents on the trail, that most criminal activities are going to happen in the access areas. Having pathfinders there on a regularly scheduled basis will help curtail those activities.

The pathfinders are probably going to be a template for what rangers would be, except that rangers would have the actual ability to write citations and do some minor enforcement.

The Preserve Manager will be the primary contact, both with the PD and the stewards and then Tonto National Forest, the County, etc. The Granite Mountain MOU is already in place.

Chair Decabooter questioned the process of the election in May that will fund law enforcement personnel. The ranger would be funded ultimately from those monies or from City monies. Commissioner Carla answered that City monies would most likely have to go into the preservation budget. She also confirmed that pathfinders are volunteers.

Claire stated that she will be meeting again with all of the PD squads; particularly with the Scottsdale PD and District 3 because they cover the northern area which currently seems to be a little bit more problematic. She stated she would like to have Bernie join her to represent the stewardship team and give an updated briefing on the latest activities, different problems in the State Trust lands, and give them a little bit of additional training.

Commissioner Carla reported that residents near the State Trust land have expressed extreme concern regarding increased enforcement, noting that off-road abuse is the primary concern. Additional complaints included non-compliance on the marked existing trails, dumping and paintball abuse. Comments relating to enforcement issues were expressed and discussed.

Further discussion ensued addressing the role, protocols and authority of the stewards. The bottom line is stewards do not have the ability to enforce anything. Rangers would have heightened ability and police officers would have the ultimate ability. Claire will be training the stewards on the response protocols, which will depend on the level of each situation. Claire is working with the police department in an effort to provide stewards with radios. In the more remote areas, the stewards should have the ability, within certain incidents, to immediately call in on the PD channel. This will afford a quicker response to the situation.

Mr. Cafarella suggested bringing in Tony Gibson to discuss this once the unit is up and running.

DIRECTOR'S REPORT

Mr. Cafarella reported that the 60% plans for the Lost Dog Wash area have been received. It is already being reviewed by the Commission and the technical people. They hope to get that out so they can move towards 90% plans on the street. Proposals have been received for the contractor at risk for Lost Dog Wash, which will go to Council on July 5th.

Also going to Council July 5th is the design contract for the Gateway. In late August, early September, the cost and the authorization to proceed with the construction of Lost Dog Wash will go to Council.

Claire, Scott and Mr. Cafarella will meet once a month during the summer to flag the Bellpass Loop and the connector trail between the Courts Trail and Bellpass. Efforts will be expended to obtain foundation and grant funds for the Barrier Free Trail. Each summer, trails are flagged and then brought into the Council to get an authorization to construct them, which occurs in the winter months.

PRESERVE MANAGER'S REPORT

Claire reported that Sunrise, the lower equestrian trailhead, is pretty much done at this point. There are a few minor things to fix.

The Old Road Star on 128th Street north of Cactus has been ripped by Dennis, trail contractor, and there are a couple of stewards already practicing revegetation in those areas.

There are now five of the kiosks, the large area maps, and trail maps installed at the access area points along the southwest area trailheads. That was an Eagle Scout project completed this last weekend. There is still a lot of interest in Eagle Scout projects, quite a few steward projects on schedule and they'll continue to work through the summer as they have in the past.

Claire mentioned she did give a presentation to the Austrian Society Hiking Club last Friday and they were a very enthusiastic group. They have already been out at Sunrise Trail. Apparently they've also been at Brown's Ranch and one of the items that they put in their newsletter was the rattlesnake that they saw on Sunrise Trail. They also might have had a valid sighting of a mountain lion in the Brown's Ranch area.

FUTURE EXECUTIVE SESSION FOR COMMISSION

Chair Decabooter entertained a motion for executive session at June 2nd meeting.

COMMISSIONER RUFF MADE A MOTION FOR EXECUTIVE SESSION AT THE JUNE 2ND MEETING. SECONDED BY COMMISSIONER ARNOLD. THE MOTION PASSED UNANIMOUSLY BY A VOTE OF EIGHT (8) TO ZERO (0).

SUMMER MEETING SCHEDULE

Chairman Decabooter indicated that the Board would proceed with meetings on a month-to-month basis, dependant upon agenda items. He directed the Board to keep all on the calendar pending advance notification of meeting cancellations.

COMMISSIONER COMMENTS AND PUBLIC COMMENTS

Commissioner Carla noted that the second annual Tour de Scottsdale takes place on October 16th. The tour will begin at DC Ranch and proceed around the Preserve. Round two of Preserve Connections will "probably" debut the last weekend of the month. City staff and land trust will be working over the summer to plan that. Due to the success of the event, the City has put money in the budget to continue Preserve Connections next season.

Commissioner Decabooter stated as Chair and as a Commissioner, he wished to thank Howard Myers and Don Ruff for their service on the Commission. All Commissioners applauded. Also accolades for Commissioner Carla for being inducted into the History Makers Hall of Fame.

AGENDA ITEMS FOR FUTURE MEETINGS

The Planning Committee will present some recommendations for a few minor trail adjustments in the northern area.

Commissioner Carla reported receiving a request from somebody that an update on the status of the official name changes, the things that went to Council, Drinkwater Peak, etc., and where they are in the official State process, be added to a future agenda.

Mr. Cafarella noted that State land will also be put on next months agenda.

ADJOURNMENT

With no further business to discuss, the regular meeting of the McDowell Sonoran Preserve Committee was adjourned at 5:59 p.m.

Respectfully submitted,
Davette Repola
A-V Tronics, Inc.